

**FILED**

**AUG 15 2012**

**N.J. BOARD OF NURSING**

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF NURSING

IN THE MATTER OF THE SUSPENSION OR :	
REVOCATION OF THE LICENSE OF :	
HELENA STAAB, R.N. :	ADMINISTRATIVE ACTION
License No. 26NR13802200 :	
TO PRACTICE NURSING IN THE STATE :	FINAL ORDER OF
OF NEW JERSEY :	DISCIPLINE

This matter was opened to the New Jersey State Board of Nursing (the "Board") upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made:

**FINDINGS OF FACT**

1. Helena Staab ("Respondent") is a registered professional nurse in the State of New Jersey and has been a licensee at all times relevant hereto.

2. Upon receipt of a flagging notice indicating that Respondent was arrested on October 3, 2011 by the Galloway Township Police Department for one (1) count resisting arrest, N.J.S.A. 2C:29-2(a), and three (3) counts cause/attempt bodily injury, N.J.S.A. 2C:12-1(b)(5), the Board sent a letter of inquiry, requesting certain information and submission of

documents, to Respondent's address of record in Galloway, New Jersey, via regular and certified mail on or about October 5, 2011.

3. By letter dated October 13, 2011, Respondent provided a response through her attorney, Nathan R. Perry, Esq., who stated that he had advised Respondent not to answer any questions concerning this arrest because the matter was still pending.

4. On or about February 1, 2012, the Board received notice that Respondent was convicted of simple assault, N.J.S.A. 2C:12-1(a)(1), on January 27, 2012 in Atlantic County Superior Court, sentenced to one day of confinement, and assessed \$175.00.

5. Respondent did not respond to the Board's request for information.

#### CONCLUSIONS OF LAW

Respondent's failure to respond to the Board's request for information constitutes a failure to cooperate with a Board investigation, in contravention of N.J.A.C. 13:45C-1.2, -1.3, in violation of N.J.S.A. 45:1-21(e), subjecting Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline suspending respondent's license to practice nursing in the State of New Jersey and imposing a \$200.00 civil penalty was entered on March 22, 2012 and a copy

served on respondent. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30<sup>th</sup> business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefore.

Respondent replied to the Provisional Order with a copy of the judgment of conviction, a narrative statement of her arrest, and an employer evaluation. Respondent failed to provide a copy of the summons/arrest report as requested, but indicated that the police department told her that those documents had been destroyed.

Respondent's submissions were reviewed by the Board, and the Board determined that further proceedings were not necessary and that no material discrepancies had been raised. The Board was not persuaded that the submitted materials merited further consideration, as respondent did not dispute the Findings of Fact or Conclusions of Law. Inasmuch as Respondent provided the information originally requested, the Board determined that suspension was no longer warranted. Nevertheless, the Board

determined that Respondent's failure to respond to the original inquiry, thereby necessitating the filing of the Provisional Order of Discipline, warrants imposition of a two hundred dollar (\$200) civil penalty.

ACCORDINGLY, IT IS on this 15th day of August, 2012,  
ORDERED that:

1. A civil penalty in the amount of \$200.00 is imposed upon Respondent. Payment shall be made by certified check or money order, payable to the State of New Jersey, delivered to George Hebert, Executive Director, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Payment shall be made no later than 15 days after the entry of this Final Order of Discipline. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A 45:1-24 and the Board may bring such other proceedings as authorized by law.

2. Nothing herein precludes the Board from taking action on the underlying conduct that was originally the subject of inquiry in this matter.

NEW JERSEY STATE BOARD OF NURSING

By: Patricia Murphy, PhD, APRN, FAAN  
Patricia Murphy, PhD, APN  
Board President